



**MILPITAS CITY COUNCIL MEETING AGENDA  
MARCH 21, 2006**

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**6:00 P.M. (CLOSED SESSION) • 7:00 P.M. (PUBLIC BUSINESS)  
455 E. CALAVERAS BOULEVARD**

**SUMMARY OF CONTENTS**

**I. ROLL CALL (6:00 p.m.)**

**II. ADJOURN TO CLOSED SESSION**

**CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING**

(Pursuant to California Government Code Section 54957.6)

City Negotiators: Art Hartinger, Ed Kreisberg, Carmen Valdez

Employee Organizations: Milpitas Police Officers Association (MPOA), International Association of Firefighters (IAFF), PROTECH, Laborers' International Union of North America/United Public Employees of California (LIUNA/UPEC)

Under Negotiation: Wages, Hours, Benefits, Working Conditions

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

(Pursuant to California Government Code Section 54956.9(a))

City of Milpitas v. Turner Construction et al., Santa Clara County Superior Court Case No. 103CV815946 Consolidated with Case No. 103CV008400

**III. CLOSED SESSION ANNOUNCEMENTS: Report on action taken in Closed Session, if required pursuant to Government Code Section 54957.1, including the vote on abstention of each member present**

**IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)**

**V. INVOCATION (Councilmember Giordano)**

**VI. APPROVAL OF MINUTES (March 6 and 7, 2006)**

**VII. SCHEDULE OF MEETINGS**

**VIII. PRESENTATIONS**

**Proclamations:**

- Dedication of the Milpitas Community Garden as the "Cesar Chavez Community Garden" on April 1, 2006
- "Young Child & National Child Abuse Prevention Month", April 2006
- Presentation of the Children's Welfare League of America Children's Memorial Flags
- "Meals On Wheels Month", March 2006

**Certificates of Commendation:**

SAFE (Strategic Actions For Emergencies) Class #14: Twenty-Seven Milpitas citizens participated in and graduated from SAFE Class #14, and have each been assigned to their neighborhood SAFE team.

**IX. CITIZENS FORUM**

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Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to three minutes. As an unagendized item, no response is required from City staff or the Council and no action can be taken; however, the Council may instruct the City Manager to agendize the item for a future meeting.

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**X. ANNOUNCEMENTS**

**XI. ANNOUNCEMENT OF CONFLICT OF INTEREST**

**XII. APPROVAL OF AGENDA**

**XIII. CONSENT CALENDAR (Items with Asterisks)**

**XIV. PUBLIC HEARINGS**

- 1. Approve Minor Tentative Parcel Map No. MI2006-1 For a City Initiated 2-Lot Subdivision – 163 North Main Street (Staff Contact: Kim Duncan, 586-3283)**
- 2. Approve Use Permit No. UP2006-1 And "S" Zone No. SZ2006-1 For An Auto Dealership At 950 Thompson St. Applicant: Piercey Automotive Group (Staff Contact: Cindy Maxwell, 586-3287)**

**XV. UNFINISHED BUSINESS (NONE)**

**XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING**

**RA1. Call to Order by the Chair/Mayor**

**RA2. Roll Call**

**RA3. Approval of Minutes (March 7, 2006)**

**RA4. Approval of Agenda and Consent Calendar**

**RA5. Adopt Resolution and Approve Allocation of Redevelopment Agency 20% Housing Set-Aside Funds to the Housing Trust Fund of Santa Clara County (Staff Contact: Felix Reliford, 586-3071)**

**\*RA6. Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals: Midtown East Parking Garage Foundation Piles, Chong Partners, Project No. 8161 (Staff Contact: Mark Rogge, 586-3403)**

**\*RA7. Authorize the City Manager to Execute an Agreement for Public Works Inspection Services with TRS Consultants for S. Park Victoria Drive Improvements (Phase 1), Well Upgrade, City Reservoir Evaluation & Upgrades, Gibraltar Pump Station, Berryessa Pump Station, Pool Resurfacing, Project Nos. 4225, 7076, 7091, 7101, 8138, 8180, and Various Other Capital Improvement Projects as Needed (Staff Contact: Doug DeVries, 586-3313)**

**\*RA8. Authorize the City Manager to Execute a Lease Agreement for Construction Office Space at 82 N. Main Street, Project No. 8154 (Staff Contact: Mark Rogge 586-3403)**

**RA9. Agency Adjournment**

**XVII. REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES**

**Arts Commission**

- \* 3. **Approve the Proposed 2006 Arts Commission Work Plan (Staff Contact: Kathleen Yurchak, 586-3209)**

**Community Advisory Commission**

- \* 4. **Approve the 2006 Community Advisory Commission Work Plan (Staff Contact: Dennis Carrington, 586-3275)**

**Open Government Subcommittee**

- 5. **Review and Approve Form for Report of Solicitation of Donations by Elected Officials (Contacts: Vice Mayor Gomez, 586-3031 and Councilmember Livengood, 586-3027)**

**XVIII. NEW BUSINESS**

- 6. **Approve Letter Supporting AB2435 Relating to County Approval of Santa Clara Valley Water District Budget (Staff Contact: Darryl Wong, 586-3345)**
- 7. **Annual Review of General Plan Housing Element Implementation (Staff Contact: Felix Reliford, 586-3071)**
- 8. **Approve Agreement with EarthLink, Inc., to Provide Wireless Communication ("WiFi") Service in Milpitas (Staff Contact: Bill Marion, 856-3701)**
- \* 9. **Approve Grant for Diesel Exhaust Extraction System for Fire Stations (Staff Contact: Clare Frank, 586-2811)**
- \* 10. **Approve Water Supply Assessment and Written Verification for Sufficient Water Supply for Murphy Ranch Residential Project (Staff Contact: Darryl Wong, 586-3345)**
- \* 11. **Approve Invoicing of Costs of Personnel for Traffic Control at the 16th Annual LSI Logic Classic 5k/10k Walk/Run (Staff Contact: Steve Pangelinan, 586-2426)**
- \* 12. **Approve Recommendation from the Facilities Naming Subcommittee to Approve a Policy for the Naming of Streets, Parks and Other City Facilities (Staff Contact: Tom Williams 586-3280, and Mark Rogge 586-3403)**

**XIX. ORDINANCES (NONE)**

**XX. RESOLUTION**

- \* 13. **Adopt Resolution Granting Final Acceptance: Interim Senior Center Kitchen and Internal Improvements, Project No. 8151 (Staff Contact: Mark Rogge, 586-3403)**

**XXI. BIDS AND CONTRACTS**

- \* 14. **Authorize City Manager to Execute Agreement: Nichols Consulting Engineers, Pavement Management Program Update Project No. 4229 (Staff Contact: Doug De Vries, 586-3313)**
- \* 15. **Approve Contract with CSG Consultants, Inc. For Fire Inspection Services (Staff Contact: Patricia Joki, 586-3370)**
- \* 16. **Authorize the City Manager to Execute an Agreement with Peckham and McKenney for the Chief of Police and City Manager Recruitments (Staff Contact: Carmen Valdez, 586-3086)**

**XXII. CLAIMS AND DEMANDS (NONE)**

**NEXT REGULARLY SCHEDULED COUNCIL MEETING  
TUESDAY, APRIL 4, 2006, AT 7:00 P.M.**

**KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE**

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City exist to conduct the people's business.

This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN

GOVERNMENT ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE,

CONTACT THE OPEN GOVERNMENT COMMISSION

at the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035

E-mail: [rpioroda@ci.milpitas.ca.gov](mailto:rpioroda@ci.milpitas.ca.gov) / Fax: 408-586-3030 / Phone: 408-586-3040

*A free copy of the Open Government Ordinance is available from the City Clerk's Office or by visiting the City's website [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov), select Open Government Ordinance under News Features.*

**BECOME A CITY COMMISSIONER!**

Currently, there are openings on the following Commissions:

*Senior Advisory Commission (alternate)*

*Sister Cities Commission*

*Planning Commission (alternate)*

*Mobile Home Park Rental Review Board (alternate)*

Applications are available online at [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov) or outside the City Council Chambers. Contact the City Clerk's Office (586-3003) for information.

## AGENDA REPORTS

### VIII. PRESENTATIONS

#### Proclamations:

- Dedication of the Milpitas Community Garden as the “Cesar Chavez Community Garden” on April 1, 2006
- “Young Child & National Child Abuse Prevention Month”, April 2006
- Presentation of the Children's Welfare League of America Children's Memorial Flags
- “Meals On Wheels Month”, March 2006

#### Certificates of Commendation:

SAFE (Strategic Actions For Emergencies) Class #14: Twenty-Seven Milpitas citizens participated in and graduated from SAFE Class #14, and have each been assigned to their neighborhood SAFE team.

#### List of Class #14 Graduated March 2006:

Cliff Baughn	Tom Gall	Wesley Leung	Ann Brown
Greg Cajina	Roderick Ho	Nancy Martinez	Tom Herrera
Rafael Cajina	Faye Jang	Jon Nakapalau	Mary Herrera
Arlen Chapman	Doris Kantack	Rich Ohlson	Linda Logan-Haynes
Hiren Desai	Ed Kantack	Lee Scott	Kevin Parsley
Jeff Edwards	Vernell King	Jian Zhao	Aaron Manley
Ed Ederra	Paul Leung	Jorge Arreola	

### XIV. PUBLIC HEARINGS

#### **1. Approve Minor Tentative Parcel Map No. MI2006-1 For a City Initiated 2-Lot Subdivision – 163 North Main Street (Staff Contact: Kim Duncan, 586-3283)**

**Background:** In the mid 1990's, the City acquired the 2.31-acre DeVries property in 2 separate purchases (as Parcel 1 and Parcel 2), however the parcels were not formally recorded as 2 separate lots-of-record. On September 7, 2004, the City Council approved a Memorandum of Understanding for the future Santa Clara County Medical Facility on the southern portion of the property. On July 27, 2005 and August 16, 2005, the Planning Commission and City Council respectively approved an application for a Senior Housing Development project on Parcel 1 (northern parcel) and a portion of Parcel 2 that included relocation, renovation, and incorporation of the DeVries House into the project. The City recently executed a Development and Disposition Agreement (DDA) with the MP Milpitas Affordable Housing Associates (Mid-Peninsula Housing Coalition) for a portion of this property. In accordance with the subject agreements, the City is initiating a minor tentative parcel map to create a separate parcel with the agreed dimensions, easements, and acreage to be transferred to Mid-Peninsula Housing Coalition. The Planning Commission recommended approval of the Minor Tentative Parcel Map to the City Council at its March 8, 2006 meeting.

This Minor Tentative Parcel Map application is to subdivide an existing 2.31-net acre parcel to two (2) parcels as formal lots-of record for the purpose of development senior housing on Parcel 1 and sale of Parcel 2 for future development as a County Health Facility. According to the Tentative Parcel Map, Parcel 1 is approximately 1.237-gross acres and Parcel 2 is approximately 1.237-gross acres. The proposed tentative parcel map will adjust the existing property line (not recorded) between the two parcels and create two new lots of record: Parcel 1-1.069-net acres and Parcel 2-1.239-net acres.

Existing easements on the project site consist of emergency vehicle access and rubbish removal on Parcel 1, PG&E along the north boundary of Parcel 2, as well as street, sidewalk, and utility easements along North Main Street (both parcels). Proposed easements include a

five (5) foot public service utility easement along North Main Street (both parcels), and private utility and joint access easements between the two parcels.

**Recommendation:** Close the public hearing. Approve the Minor Tentative Parcel Map No. MI2006-1 subject to the attached findings and special conditions included in the memorandum in the Council's agenda packet.

**2. Approve Use Permit No. UP2006-1 And "S" Zone No. SZ2006-1 For An Auto Dealership At 950 Thompson St. Applicant: Piercey Automotive Group (Staff Contact: Cindy Maxwell, 586-3287)**

**Background:** Piercey Automotive Group requests approval of Use Permit No. UP2006-1 and S-Zone No. SZ2006-1 for a 10-acre auto dealership with a 70,000 square foot showroom, offices and 52-bay service area. The site is located on a portion of the 82-acre parcel that contains the Elmwood Correctional Facility, owned and operated by Santa Clara County.

The applicant requests approval of:

- Use Permit No. UP2006-1, pursuant to Section 19 of the Zoning Ordinance for Auto sales (19.03-6) and related Auto repairs (19.03-3) and for deviations from the Midtown Specific Plan design standards (p. 8-5).
- S-Zone No. SZ2006-1, pursuant to Section 42 (Site and Architecture Review) of the zoning ordinance, for a 10-acre auto dealership with a 70,000 square foot showroom, offices and service area.

Access will be provided from Thompson Street, a new north/south road that will be improved with utilities, street trees and lighting. KB Home, pursuant to their development approval, is responsible for constructing the Thompson Street improvements. Thompson Street will provide two access points: One driveway will occur at the midway point of the lot on Thompson Street and provide access directly to the auto service facility. The other driveway will be located at the north end of the Thompson Street frontage, primarily for customer sales use. Thompson Street is located to the east of the subject site and west of the Elmwood Correctional Facility.

The building will have a clean contemporary design with a service drive separating the service facility from the showroom and sales facility. A mezzanine, used for storage, will connect the two structures and provide coverage for the service drive. The main building entrances face west for freeway exposure. The showroom entrance has a portico and the building's exterior will be finished with clad metal, stucco, and scored concrete block.

The project is in conformance with the General Plan, Zoning Ordinance and much of the Midtown Specific Plan. The Use Permit application requests approval for deviations from the Midtown Specific Plan, as follows:

Midtown Guidelines	Proposed Plans
Limited visibility of parking areas Requirement for number of trees per parking stalls Building entries should face the street	Auto dealerships must maximize the visibility of their display area and inventory capability.
Landscaping contained in six-inch curbs	Landscaping cannot be contained by curbing due to design constraints for flooding potential.

The project was recommended for approval with findings and conditions by the Planning Commission on February 9, 2006. The project was readvertised for the March 21, 2006 Council meeting and the applicant covered the cost of readvertising.

**Recommendation:** Close the public hearing. Approve Use Permit No. UP2006-1 and S-Zone No. SZ2006-1 subject to the findings and special conditions recommended by the Planning Commission.

**XV. UNFINISHED BUSINESS (NONE)**

**XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING**

**RA1. Call to Order by the Chair/Mayor**

**RA2. Roll Call**

**RA3. Approval of Minutes (March 7, 2006)**

**RA4. Approval of Agenda and Consent Calendar**

**RA5. Adopt Resolution and Approve Allocation of Redevelopment Agency 20% Housing Set-Aside Funds to the Housing Trust Fund of Santa Clara County (Staff Contact: Felix Reliford, 586-3071)**

**Background:** At its meeting on November 2, 1999, the Redevelopment Agency (RDA) pledged \$500,000 to the Housing Trust Fund of Santa Clara County. The goal of the Trust Fund was to raise \$20 million to address the housing crisis in Silicon Valley. The goal has been exceeded and the Trust Fund has started Phase III of requesting additional funds to provide more affordable housing.

Subsequently, the agency's previous pledge required by resolution that the funds be spent in Milpitas on affordable housing projects. In the past, Milpitas contributed \$500,000 (2001) and \$150,000 (2005) to the Housing Trust Fund with the understanding that the funding must be used for affordable housing projects in Milpitas. The \$500,000 has been awarded to Mid-Peninsula Housing Coalition for the Milpitas Senior Housing Project and the \$150,000 has been committed to Senior Housing Solution for the acquisition of the single-family residence for 5 extremely low-income seniors.

On February 22, 2005, the Housing Trust Fund and Silicon Valley Leadership Group (formerly Silicon Valley Manufacturing Group) announced the proposal "Phase III" a public-private compact between interested private-sector investors (employees foundations and individuals) and public agencies with a goal of assisting a minimum of 1,000 families per year for each of the next three years. A funding goal of \$1.5 million would allow the Housing Trust to invest funds into the creation of affordable rental housing, homeless and special needs housing and support first-time homebuyers designed to help at least 1,000 families per year.

To date, the Housing Trust Fund of Santa Clara County has raised more than \$25 million in local public and private contributions and has invested more than \$1.6 million in affordable housing opportunities throughout Santa Clara County. Since they began distributing funds in 2001, the Trust has already helped more than 4,255 families, including assistance to 1,260 families to help them buy their first homes in Santa Clara County; enabled the development of hundreds of units of affordable housing rental housing, worth over \$238 million; and helped create hundreds of units of shelter and special-needs housing in our community, making it possible for people like teachers, police officers, fire fighters, nurses and civic employees to live in the communities they serve.

The Housing Trust Fund of Santa Clara County and Silicon Valley Leadership Groups have launched “Phase III” and are requesting contributions from the private and public sector. City of Milpitas has been asked to consider contributing another \$150,000 towards “Phase III” of the campaign drive. Staff would recommend approval of the request, pursuant to the Redevelopment Agency adoption of a resolution, which requires that the \$150,000 allocation be used within the City of Milpitas to financially assist future affordable housing project. The Redevelopment Agency adopted a similar resolution for the previous \$650,000 contribution.

Taylor Dial, Executive Director of the Housing Trust Fund will be attending the meeting and will be making a presentation on behalf of his organization regarding this mater.

Included in the Agency’s agenda packet is a resolution of findings for preference to Milpitas residents and workers and for the allocation of funds (\$150,000 to be used on a future affordable housing project within Milpitas). Also, included in the agenda packet is a list of contributions to the Housing Trust Funds from other cities (and County of Santa Clara) within the county.

**Recommendation:**

1. Approve budget appropriation of \$150,000 in the Housing Reserve Funds for payment to the Housing Trust Fund of Santa Clara County.
2. Adopt resolution demonstrating a compelling need to prefer Milpitas residents and workers for housing units using House Reserve Funds contributed to the Housing Trust Fund of Santa Clara County.

**\*RA6. Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals: Midtown East Parking Garage Foundation Piles, Chong Partners, Project No. 8161 (Staff Contact: Mark Rogge, 586-3403)**

**Background:** Plans and specifications for the subject project have are being completed in accordance with the approved five-year Capital Improvement Program (CIP). This phase of the project includes installation and testing of test-piles for the foundation of the new garage, followed installation of production and ground improvement piles.

Approximately 30-days after the test-piles are installed they will be tested. The architect will revise the pile foundation plan based upon the actual field test results. The revised plan will be included in the construction bid documents for the entire garage. The garage foundation pile contractor’s contract would be assigned and notated to the prime contractor that wins the entire garage contract. The remaining, revised pile configuration will be installed by the same foundation pile contractor, acting then as a subcontractor to the prime contractor for the entire garage project.

The Engineer’s estimated construction cost for the work is approximately \$1,000,000, and funds are available in the project budget. Prior to award of the garage contract an appropriation of \$3,000,000 will be necessary to complete the funding indicated in the Garage Cost Plan that was approved by the City Council. A copy of the project plan title sheet is included in the Council’s agenda packets. Complete plans and specifications will be available for review in the office of the City Engineer.

**Recommendation:**

1. Approve plans and specifications.
2. Authorize advertising for bid proposals.



**\*RA7. Authorize the City Manager to Execute an Agreement for Public Works Inspection Services with TRS Consultants for S. Park Victoria Drive Improvements (Phase 1), Well Upgrade, City Reservoir Evaluation & Upgrades, Gibraltar Pump Station, Berryessa Pump Station, Pool Resurfacing, Project Nos. 4225, 7076, 7091, 7101, 8138, 8180, and Various Other Capital Improvement Projects as Needed (Staff Contact: Doug DeVries, 586-3313)**

**Background:** To meet the heavy Public Works Inspection workload expected for the coming year for both private and public projects, staff issued a Request for Proposal (RFP) for Public Works Inspection in accordance with the City's policy on consultant selection for City services. Several consultants responded and were interviewed for the services. Staff recommends TRS Consultants for Public Works inspection services.

The services would be provided on a time and material basis not to exceed \$240,000, which is considered reasonable for the effort involved. The project scope within the agreement indicates the budgetary amount of each project. The current respective project budgets and cost plans are sufficient to fund the services to be provided.

**Recommendation:** Authorize the City Manager to execute an agreement with TRS Consultants in an amount not to exceed \$240,000 subject to approval as to form by the City Attorney.

**\*RA8. Authorize the City Manager to Execute a Lease Agreement for Construction Office Space at 82 N. Main Street, Project No. 8154 (Staff Contact: Mark Rogge 586-3403)**

**Background:** The City and the Milpitas Redevelopment Agency will soon commence construction of several major capital improvements all in a one-block area of North Main Street, including: the new Midtown East Parking Garage, new Library, new N. Main Street Streetscape, and related work. Other work adjacent to the City's projects include the Mid-Peninsula Housing Coalition's DeVries Place Senior Housing, the County's Valley Health Center and parking garage, all on the west side of N. Main Street and private condominium development to the north of the new library.

An on-site construction office supports direct supervision and coordination of the work in the most efficient manner. The construction office also eliminates the muddy boots and other wear and tear that would be associated with daily construction meetings at City Hall. City staff has looked into several alternatives to providing the space necessary for an on-site construction office, including portable modular offices (construction trailer) and leasing existing facilities nearby.

The vacant building at 82 N. Main Street provides the best opportunity for several reasons:

- The building is approximately the right size to house both City staff and consultants that would be working directly on these projects.
- The building abuts the south side of the construction site for good proximity and access.
- Use of this building frees up the construction site for staging, and contractor use, making the construction site more attractive to bidders.
- The building has its own parking placing less impact on parking for the site and the area.
- Lease of the building by the City prevents other use that would be the nearest sensitive receptor to the construction activity, and allows for ease of phasing work.
- Using the building would eliminate the need to install and remove portable units that would limit the contractor's use of the available lay-down and storage areas.

On March 7, 2006 the City Council authorized staff to negotiate a lease with the owner of the property at 82 N. Main Street. The building is approximately 3,450 gross square feet with approximately 3,000 net square feet, including the ground floor, and a split-level second floor. The owner's lease conditions are a simple \$1.41 per gross square-foot. This calculates to \$5,000/month or \$60,000/year or \$170,000 for 34 months from April 2006 to January 2009.

The owner pays all real estate taxes and assessments and is responsible for maintenance of the building. The owner has also agreed to make certain improvements to the property prior to April 1, 2006, including security related improvements. The City would pay for customary utilities and janitorial service.

The construction office would include a large conference room for regular meetings with the contractors and their subcontractors, as well as for periodic coordination meetings amongst the City's agents and other adjacent developers. The building also has restrooms, office space for: plan racks and plan review areas, workspace for approximately 12 people, and parking.

**Budget:**

The land acquisition and site preparation, Project No. 8154 has approximately \$300,000 budgeted for construction office expenses, which would include this lease cost and all other construction office expenses. Staff's existing computers, printers, FAX, copier machines, files, and related equipment would be moved out to the construction office. Some additional furniture and partitions will be purchased or leased. In addition, some new technology for audio-visual, and telecommunications would also be purchased. This equipment would either be re-employed or sold after construction.

**Recommendation:** Authorize the City Manager to execute a lease agreement for construction offices with the Harpreet Singh Chaudhary for 82 N. Main Street in Milpitas, as described in the staff report, and subject to approval as to form by the City Attorney.

**RA9. Agency Adjournment**

**XVII. REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES**

**Arts Commission**

- \* 3. **Approve the Proposed 2006 Arts Commission Work Plan (Staff Contact: Kathleen Yurchak, 586-3209)**

**Background:** Pursuant to the Arts Commission (AC) Bylaws, the Arts Commission serves as an advisory body to the City Council on matters pertaining to the arts. The Commission's Mission Statement - The Milpitas Arts Commission, in order to enhance the quality of life in its community, shall promote, provide and encourage the arts in the City of Milpitas - encompasses the Commission's vision, values, mission statement and goals in their proposed work plan for 2006.

At the February 27, 2006, Arts Commission meeting, the Commission reviewed the City of Milpitas 2000-2005 Cultural Arts Implementation Plan and added unaccomplished items from the Plan to their 2006 Work Plan in addition to a few items the Commission would like to accomplish. Included in the Council's packet is the Arts Commission's proposed 2006 Work Plan for the Council's review and consideration.

**Recommendation:** Approve the proposed 2006 Arts Commission Work Plan.

**Community Advisory Commission**

- \* 4. **Approve the 2006 Community Advisory Commission Work Plan (Staff Contact: Dennis Carrington, 586-3275)**

**Background:** Pursuant to the Community Advisory Commission (CAC) Bylaws, the CAC serves as an advisory body to the City Council on matters affecting citizens relating to community improvement. Since 2000, the CAC has developed an annual work plan to focus on projects and programs that benefit the Milpitas community. Past work plan accomplishments include implementing the Neighborhood Beautification Ordinance, participating in the

Streetscape Master Plan, hosting a town hall meeting, and participating in creek clean up, neighborhood clean up, neighborhood tree planting events. Over the past year, the CAC established a Community Outreach Program at the direction of the City Council and was integral in the development and review of the Heritage Tree Ordinance. For the current year, the CAC held working sessions during their January and February meetings to develop the 2006 Work Plan, as shown below:

**Annual Recurring Tasks**

1. Heritage tree nominations (January, May, October)
2. CDBG public hearing process (March)
3. Participate in Arbor Day – NBO booth and Tree City USA designation (April), Global Village, and 4th of July parade (July)
4. National Night Out (August)
5. Neighborhood Beautification Awards (September)
6. Tree trimming (November)
7. Work session for annual work plan (December)

**Short-term Goals/Projects (prioritized)**

1. Tree Planting – Promote tree planting through outreach and tree protection awareness
2. Town Hall Meeting – Conduct a Town Hall Meeting in the Fall of election years
3. Outreach Program – Conduct an outreach program to the citizens of Milpitas to obtain feedback on community issues
4. Volunteerism Program – Conduct a program to encourage Milpitas citizens to volunteer
5. Cleanup of Blighted Areas – Determine blighted areas in Milpitas and encourage their redevelopment or conduct a program similar to the “Adopt A Highway” program
6. Expand the Neighborhood Watch Program – Work with City staff to expand the Neighborhood Watch Program

**Recommendation:** Approve the proposed 2006 Community Advisory Commission Work Plan.

**Open Government Subcommittee**

5. **Review and Approve Form for Report of Solicitation of Donations by Elected Officials (Contacts: Vice Mayor Gomez, 586-3031 and Councilmember Livengood, 586-3027)**

**Background:** At its meeting on March 1, the Open Government Subcommittee reviewed a draft of the one-page form provided by staff. This report, due on a quarterly basis, is required per the Open Government Ordinance section I-310-3.190. The Subcommittee recommends that the form be approved and a reporting schedule - with forms due to the City Clerk - be adopted as follows:

Due April 30 for Jan, Feb, March  
Due July 31 for April, May, June  
Due Oct 31 for July, Aug, Sept  
Due Jan 31 for Oct, Nov, Dec.

The ordinance states: "Solicitations of donations by elected officials for charitable purposes and third party political campaigns is permitted. Contributions over \$100 made at the behest of an elected official must be reported to the City Clerk quarterly by the elected official making such requests."

**Recommendation:** Review and approve the Charitable Solicitation form and the reporting schedule, as recommended by the Open Government Subcommittee.

**XVIII. NEW BUSINESS**

6. **Approve Letter Supporting AB2435 Relating to County Approval of Santa Clara Valley Water District Budget (Staff Contact: Darryl Wong, 586-3345)**

**Background:** Existing legislation requires the County of Santa Clara (County) approve the Santa Clara Valley Water District (SCVWD) annual budget and the appointment of two board of directors as at-large members. The County and SCVWD are jointly sponsoring legislation (AB2435) to give the SCVWD Board of Directors sole responsibility for approving the SCVWD budget and eliminate the two at-large director positions in 2009 for the following reasons:

- Other independent special districts within the State operate under the authority and direction of their elected boards.
- SCVWD directors are fully accountable to voters if they have control over their budget.
- SCVWD has expertise and resources in flood control or water resource management.
- County Local Agency Formation Commission (LAFCO) performed an independent assessment and determined that water resources were well managed by SCVWD.

A copy of the SCVWD fact sheet and a support letter are included in the Council packet. A representative of SCVWD will be present to ask the Council for support also.

**Recommendation:** Approve the letter supporting AB2435 relating to County approval of the Santa Clara Valley Water District budget.

**7. Annual Review of General Plan Housing Element Implementation (Staff Contact: Felix Reliford, 586-3071)**

**Background:** At its meeting on February 21, 2006, the City Council requested a review of the General Plan Housing Element Implementation to determine the City's progress on meeting its housing goals. The Council adopted the Milpitas Housing Element in October 2002. In November 2002, the Housing Element was forwarded to the State of California, Department of Housing and Community Development (HCD), which found the Milpitas Housing Element to be in compliance with state law. In March 2003, HCD provided the City of Milpitas with its Local Government Leadership Award on the Housing Element and has used the Housing Element document as a model for the state.

**Status of Housing Element Policies Implementation**

The following is a summary of ABAG'S housing need allocation for Milpitas through June 30, 2007.

<u>Income-Level</u>	<u>Units</u>	<u>Percent</u>
Very-low (50% AMI)	698	16 %
Low (51%-80% AMI)	351	8.1%
Moderate (81%-120% AMI)	1,146	26.4%
Above Moderate	<u>2,153</u>	<u>49.5%</u>
Total:	4,348	100%

(AMI): Area Median Income. The AMI varies from year to year but currently stands at \$105,500 per year.

To date, Milpitas has provided 3,355 (77%) of the total number of units required by ABAG. An additional 715 units are anticipated to be reviewed and considered for approval by the Planning Commission and City Council:

<u>Proposed Projects</u>	<u># of Units</u>	<u># of Affordable Units</u>
CA Towers	176	35
Aspen Apartments	147	29
Baystone	387	77
Senior Housing Solution	<u>5</u>	<u>5</u>
Total:	715	146

If the proposed projects above were approved, a total of 4,070 units would have been constructed in Milpitas. This would present 94% of the ABAG fair share allocation. The last ABAG reporting period, Milpitas met 82% of its regional housing needs, and the cities in Santa Clara County on an average met 56% of their housing goals.

Staff is still negotiating with several developers on other conceptual projects to determine the level of affordability and the ratio for very low, low and moderate income-households to continue to meet the ABAG regional housing goals.

Affordable Housing:

Currently, City of Milpitas has 727 affordable housing units with long-term affordability restrictions. An additional 389 affordable units have been approved and are under construction. Approximately 6 months prior to completion of construction of the approved projects, staff will be executing the restriction agreements for all the affordable units. If all of the proposed projects are approved and constructed within the next 2-3 years, Milpitas will have a total of 1,262 affordable housing units as part of the City's overall housing stock.

It should be noted that City of Milpitas Mobilehome Park Rental Increase Ordinance adopted in 1992 provides affordability to 572 mobilehome-park residents, which served as another means of affordable housing. **This will bring the total number of affordable units to 1,834 in Milpitas. This would present over 10% of the total City housing units (approximately 18,000+ units citywide).**

Given the number of affordable units that will be constructed in Milpitas over the next few years, in the near future staff will be requesting approval from the City Council to hire a consulting firm to assist staff on monitoring the affordable units and assistance in seeking affordable housing grants from various resources.

On February 21, 2006, Milpitas Redevelopment Agency approved a resolution authorizing staff to seek additional affordable housing funds from Proposition 46 funding (\$2.1 billion Housing Bond Initiative passed by the voters in 2002) and the ability to leverage the Redevelopment Agency funds for future affordable housing projects.

The next review of the General Plan Housing Element by the State of California, Department of Housing and Community Development (HCD) will be December 31, 2007. Staff is currently preparing a Request for Proposals to send to housing consultants to assist in the preparation of the document.

**Milpitas Housing Element Policies**

The Milpitas General Plan Housing Element Guiding Principles and Implementation Policies are included in the agenda packet and a summary of Milpitas affordable housing for City Council's review.

**Recommendation:** Note receipt and file the staff report on the Housing Element of the General Plan.

**8. Approve Agreement with EarthLink, Inc., to Provide Wireless Communication ("WiFi") Service in Milpitas (Staff Contact: Bill Marion, 856-3701)**

**Background:** Late last year, the City was approached by EarthLink Inc., with a proposal to offer WiFi service within the City of Milpitas. This proposal involved the mounting of devices on City light poles and traffic light poles within the public right of way. This would allow EarthLink to provide wireless Internet service throughout the residential and commercial areas of the City.

EarthLink is one of the largest national Internet Service Providers (ISP) with 5.3 million subscribers. They have been cited for award winning customer support and customer experience

and have annual revenues in excess of \$1.3 billion. EarthLink was selected by Wireless Philadelphia to develop and implement the nation's largest municipal WiFi broadband network and in California EarthLink was selected by the City Of Anaheim to implement WiFi broadband throughout the city. Staff will make a brief presentation on the EarthLink proposal and EarthLink representatives will be available to answer questions.

The Telecommunications Commission reviewed this proposal at their February 27th meeting. Several members of the Economic Development Commission were in attendance to discuss this item. The Commissions voted to support the Earthlink agreement as presented tonight as it works to accomplish goals of both Commissions.

**Recommendation:** Authorize the City Manger to execute an agreement with EarthLink, Inc., to provide Wireless Communication service and for the use of the public right of way, subject to approval as to form by the City Attorney.

\* **9. Approve Grant for Diesel Exhaust Extraction System for Fire Stations (Staff Contact: Clare Frank, 586-2811)**

**Background:** The Milpitas Fire Department received an 80% grant award for installation of a diesel exhaust extraction system for the three fire stations that do not have a full exhaust removal system in place. The Fire Department budget includes sufficient matching funds for the remaining 20%. Before accepting the grant award and requesting approval for a purchase contract, the fire department needs Council approval to proceed.

As explained in the attached staff report, the system is needed to clear the exhaust fumes out of the apparatus bays, providing a healthier work-environment for the firefighters, and thereby reducing any illness or injuries related to diesel exhaust exposure.

**Recommendation:** Approve a grant in the amount of \$108,657 for Diesel Exhaust Extraction System for Fire Stations.

\* **10. Approve Water Supply Assessment and Written Verification for Sufficient Water Supply for Murphy Ranch Residential Project (Staff Contact: Darryl Wong, 586-3345)**

**Background:** State Law (SB 610) requires a water supply assessment be completed and approved before proceeding with any development with 500 or more dwelling units. The assessment must be included in the California Environmental Quality Act document for the project. Written verification of sufficient water supply is also required under SB 221. A water supply assessment was requested for the Murphy Ranch Residential Project, which includes 659 residential units. The development consists of 22.7 gross acres bounded by Technology Drive to the north, Murphy Ranch Road to the east, the Hetch Hetchy Right-of-Way to the south, and Coyote Creek to the west.

The proposed project area will receive water from the Santa Clara Valley Water District (SCVWD), one of the two wholesalers that supply water to Milpitas. Staff has completed a water supply assessment using the City of Milpitas 2005 Urban Water Management Plan, City of Milpitas 2002 Water Master Plan, and the SCVWD's 2005 Urban Water Management Plan. SCVWD has reviewed the documents and has concurred that wholesale water supply can be provided. Based on the review, staff has determined that there is sufficient water to supply to the proposed project. Copies of the staff Water Supply Assessment Report, SB 610 and SB 221 statutes are included in the council packet.

**Recommendation:** Approve Water Supply Assessment for Murphy Ranch Residential Project.

\* **11. Approve Invoicing of Costs of Personnel for Traffic Control at the 16th Annual LSI Logic Classic 5k/10k Walk/Run (Staff Contact: Steve Pangelinan, 586-2426)**

**Background:** LSI Logic Corporation is requesting the Milpitas Police Department to provide traffic control for their annual 5K/10K run and fundraiser on Sunday May 7, 2006. The beneficiary of this fundraiser is the Milpitas Unified School District. The Police Department has participated in this event since its inception in 1991. Police Department personnel staffs thirteen traffic control points and provide the lead runner escort. The running course includes streets in the Oak Creek Business Park and area generally bounded by McCarthy Blvd., Bellew Dr., Barber Ln., and Cottonwood Dr. The estimated cost of both on-duty and overtime Police Department personnel to staff this event is approximately \$2,600.

**Recommendation:** Invoice the organizers for this event for Police personnel costs.

- \* 12. **Approve Recommendation from the Facilities Naming Subcommittee to Approve a Policy for the Naming of Streets, Parks and Other City Facilities (Staff Contact: Tom Williams 586-3280, and Mark Rogge 586-3403)**

**Background:** The Facilities Naming Subcommittee requested that staff provide information on past practices for naming City streets, parks and other facilities. There are a few ordinances that refer to street names, and a list of potential street names kept by the Planning Department, but no formal policy or Standard Operating Procedure (SOP). Therefore, the Subcommittee requested that staff produce a written SOP that could be considered and ultimately approved by the City Council.

On February 22<sup>nd</sup> the Facilities Naming Subcommittee reviewed the draft policy for naming streets, parks and other City facilities and requested that it be brought to the City Council for action. The policy encourages the use of names related to the history of Milpitas and names of local veterans. The policy conforms to existing City Ordinance and is similar to the method used in other Bay Area cities. The Policy requires consideration of the names by local emergency dispatch to avoid similar sounding names. The Policy also requires that the City Council have final approval on names.

The Facilities Naming Subcommittee recommended approval of the draft policy, which is included in the City Council packet.

**Recommendation:** Approve the Standard Operating Procedure describing the Policy for Naming Streets, Parks, and other City Facilities.

**XIX. ORDINANCES (NONE)**

**XX. RESOLUTION**

- \* 13. **Adopt Resolution Granting Final Acceptance: Interim Senior Center Kitchen and Internal Improvements, Project No. 8151 (Staff Contact: Mark Rogge, 586-3403)**

**Background:** This project consisted of providing new kitchen, new game room, and improvements to existing staff offices for the Interim Senior Center. The Interim Senior Center Kitchen and Internal Improvements Project was initially accepted by City Council on February 15, 2005, and the one-year project warranty period has since expired. Prior to the warranty period expiring, City staff conducted a final project inspection and determined the work performed by the contractor, Ranis Construction & Electric, Inc., to be satisfactory. Therefore, staff requests that Council grant final acceptance and allow for the release of the contractor's bond.

**Recommendation:** Adopt resolution granting final acceptance and release of the contractor's bond.

**XXI. BIDS AND CONTRACTS**

- \* 14. **Authorize City Manager to Execute Agreement: Nichols Consulting Engineers, Pavement Management Program Update Project No. 4229 (Staff Contact: Doug De Vries, 586-3313)**

**Background:** Staff has interviewed several professional consultants in conformance with the City's consultant selection process, and recommends that Nichols Consulting Engineers provide the professional engineering services required to perform visual pavement survey for this project. The work includes pavement distress/condition surveys of approximately 40 centerline miles or a third of all City streets, calculates new pavement condition indices (PCI), performs budgetary analysis, and prepares a final report to the City. Staff has negotiated a scope and fee for these services not to exceed \$32,700, which is considered reasonable for the work. There are sufficient funds in the project budget to cover this additional expense.

**Recommendation:** Authorize the City Manager to execute the agreement amendment with Nichols Consulting Engineers, in the amount of \$32,700, subject to approval as to form by the City Attorney.

- \* 15. **Approve Contract with CSG Consultants, Inc. For Fire Inspection Services (Staff Contact: Patricia Joki, 586-3370)**

**Background:** At the November 1, 2005 Council meeting, Council approved a contract for fire inspection services between CSG Consultants Inc, and the City. The contract's term expired February 28, 2006, however follow-up inspections remain to be conducted. A total of \$11,563.75 approved in the initial contract remains unspent. Staff requests to contract with CSG Consultants Inc., in the amount of the remaining balance, to complete the outstanding inspection work.

**Recommendation:** Approve request to contract fire inspection services between the City and CSG Consultants, Inc., in an amount not to exceed \$11,563.75 subject as to form by the City Attorney.

- \* 16. **Authorize the City Manager to Execute an Agreement with Peckham and McKenney for the Chief of Police and City Manager Recruitments (Staff Contact: Carmen Valdez, 586-3086)**

**Background:** During Spring of 2006, the City will be conducting a series of recruitments to fill positions identified by the City Council as key senior management hires. Recruitment efforts for these positions, which include the Chief of Police and the City Manager, will target the most qualified candidates to meet the City's need for continued management leadership.

The City conducted a survey of qualified executive recruitment firms, which were all very competitive. The staff recommends Peckham and McKenney who have a national reputation for conducting quality searches and placing exceptional candidates. With over 50 years of combined experience in executive search, management and local government, Peckham and McKenney bring a high level of service to the industry. Peckham and McKenney is familiar with Santa Clara County and the surrounding region and have been utilized extensively for executive recruitment and selection efforts throughout the Bay Area.

The cost of the recruitment and selection processes for these two executive positions will not exceed \$45,000.

- Up to \$40,000 payable to Peckham and McKenney
- Up to \$5,000 for professional background investigation

A revised Job Description for the Chief of Police position, a list of firms who submitted proposals, and a timeline for both recruitments has been included in the City Council packet for your information.

**Recommendation:**



1. Authorize the City Manager to execute an agreement with Peckham and McKenney, subject to approval as to form by the City Attorney, in an amount not to exceed \$40,000 for the administration of recruitment and selection for the Chief of Police and City Manager.
2. Request approval of a budget appropriation of \$45,000 from City Manager's Contingency Fund for fiscal year 2005-06.

**XXII. CLAIMS AND DEMANDS (NONE)**

**XXIII. ADJOURNMENT**

**NEXT REGULARLY SCHEDULED COUNCIL MEETING  
TUESDAY, APRIL 4, 2006, AT 7:00 P.M.**